

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
UNITED STATES OF AMERICA	:	S14 11 Cr. 1091 (VM)
	:	
- against -	:	NOTICE OF MOTION IN
	:	SUPPORT OF DEFENDANT
PETER LESNIEWSKI,	:	PETER LESNIEWSKI'S
	:	MOTION FOR CERTIFICATE
	:	<u>OF APPEALABILITY</u>
Defendant.	:	
-----X	:	

PLEASE TAKE NOTICE, that upon the annexed Declaration of Thomas Anthony Durkin, the accompanying Memorandum of Law, and all prior papers and proceedings herein, the defendant, PETER J. LESNIEWSKI, will move before the Honorable Victor Marrero, United States District Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, New York, New York, at a time and date to be set by the Court, or as soon thereafter as counsel may be heard, for a certificate of appealability under 28 U.S.C. § 2253(c) with respect to the Court's June 21, 2016 Order denying Dr. Lesniewski's motion for resentencing under 28 U.S.C. § 2255. The certificate of appealability should issue with respect to the following issue: whether, in light of the new RRB evidence, Dr. Lesniewski's right to due process was violated when he was sentenced based on false information.

Respectfully submitted,

Dated June 27, 2016

/s/ THOMAS ANTHONY DURKIN
DURKIN & ROBERTS
2446 N. Clark Street
Chicago, Illinois 60614
(312) 981-0123
tdurkin@durkinroberts.com

/s/ JOSHUA L. DRATEL
JOSHUA L. DRATEL, P.C.
29 Broadway, Suite 1412
New York, New York 10006
(212) 732-0707
jdratel@joshuadratel.com

Attorneys for Defendant Peter Lesniewski

-Of Counsel-

John D. Cline
Law Office of John D. Cline
235 Montgomery St., Suite 1070
San Francisco, CA 94104
(415) 662-2260
cline@johndclinelaw.com